

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

<b>DR. JOE L. REED,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	<b>C.A.N.:2:07-CV-190-WKW</b>
<b>v.</b>	)	
	)	
<b>GOVERNOR BOB RILEY, in his official</b>	)	
<b>Capacity, and ELTON DEAN, in his</b>	)	
<b>Official capacity as Chair of the Board of</b>	)	
<b>Trustees of Alabama State University,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' RESPONSE TO PLAINTIFF'S**  
**NOTICE OF RECENT DEVELOPMENT**

**COME NOW** the Defendants, Governor Bob Riley and Chairman Elton N. Dean, Sr., and hereby file this response to the Plaintiff's Notice of Recent Development. The Defendants state the following:

The July 22, 2008 Notice of Oral Argument from the Court of Appeals does confirm that the Plaintiff's appeal will not be decided by September 30, 2008; however, that notice has no bearing upon the Plaintiff's previously filed Motion to Stay. Specifically, the Notice of Oral Argument does not change or affect the analysis of the Defendants' arguments in Document No. 36 as to whether the Plaintiff is even entitled to a stay. Further, the Parties have always expected the Plaintiff's appeal would not be decided by September 30, 2008 because the Plaintiff did not request an expedited briefing or hearing schedule. Further still, oral argument was presumably granted at the request of the Plaintiff because no other Party indicated that oral argument was necessary to decide the issues on appeal.

**WHEREFORE PREMISES CONSIDERED** the Notice of Oral Argument has no effect upon the analysis of whether the Plaintiff is entitled to a stay and the previously filed Motion to Stay should be denied pursuant to the Defendants' arguments in Document No. 36.

Respectfully submitted,

/s/ Kenneth D. Wallis, II  
Kenneth D. Wallis, II  
*Chief Legal Advisor*  
*Alabama Governor Bob Riley*

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4<sup>th</sup> day of August, 2008, I served a copy of the foregoing on the following by filing the same on this Court's electronic filing and notification system:

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